

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA, SOUTHERN DIVISION**

ASD SPECIALITY HEALTHCARE, INC., d/b/a)	
ONCOLOGY SUPPLY COMPANY)	
2801 Horace Shepard Drive,)	
Dothan, Alabama 36303,)	
) Plaintiff,)
 vs.))
ROBERT G. HICKES, M.D.,))
1301 Trumansburg Road, Suite Q))
Ithaca, New York 14850,))
) Defendant.)

**CIVIL ACTION NO.:
1:05CV592-T**

ANSWER

COMES now ROBERT G. HICKES, M.D. ("Defendant"), and for his answer to the Complaint says as follows:

1. Defendant is without knowledge and/or information sufficient to form a belief as to the truth of the allegations set forth in paragraphs 1, 3, 5, 13, 19, 20, 25, 26, 27 and 28 of the Complaint, and, therefore, denies same.
2. Defendant admits the allegations set forth in paragraphs 6, 21 and 29 of the Complaint.
3. Defendant denies the allegations set forth in paragraphs 2, 4, 7, 8, 9, 10, 11, 14, 15, 16, 18, 22, 23, 30, 31, 33, 34 and 35 of the Complaint.
4. Defendant repeats and realleges each and every answer with respect to the allegations contained in paragraphs 12, 17, 24 and 32 of Plaintiff's Complaint.

FIRST AFFIRMATIVE DEFENSE

Defendant pleads the defense of waiver.

SECOND AFFIRMATIVE DEFENSE

Defendant pleads the defense of estoppel.

THIRD AFFIRMATIVE DEFENSE

Defendant pleads lack of personal jurisdiction.

FOURTH AFFIRMATIVE DEFENSE

Defendant pleads lack of consideration.

\s\ C. Ellis Brazeal III

Attorney for the Defendant, Robert G.
Hickes, M.D.

OF COUNSEL:

Walston, Wells, Anderson & Birchall LLP
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CERTIFICATE OF SERVICE

I do hereby certify that a true and correct copy of the foregoing Answer has been served electronically to the following said individuals and/or by placing same in the U.S. First Class Mail, as follows:

James J. Robinson
Heath A. Fite
BURR & FORMAN LLP
3100 SouthTrust Tower
420 North 20th Street
Birmingham, Alabama 35203

This the \26th\ day of August, 2005.

\s\ C. Ellis Brazeal III
OF COUNSEL

